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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/780,125	02/17/2004	David McKay	NOR 1162-026

Roger A. Gilcrest
 Schottenstein Zox Dunn
 P.O. Box 165020
 Columbus, OH 43216-5020



CONFIRMATION NO. 6481

FORMALITIES LETTER



OC000000013438998

Date Mailed: 08/05/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/12/2004 to the Notice to File Missing Parts (Notice) mailed 05/10/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$36 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$36 for a Large Entity

- Total additional claim fee(s) for this application is \$36
 - \$36 for 2 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
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08/31/2004 BSAYASI1 00000022 10780125

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36.00 DP

A copy of this notice MUST be returned with the reply.

KT

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



SCHOTTENSTEIN
ZOX & DUNN CO., LPA

ROGER A. GILCREST
614/462-1055
E-MAIL: RGILCREST@SZD.COM

August 11, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/780,125, filed 02/17/2004
Entitled: MODULAR AND RECONFIGURABLE FROZEN CONE
CONFECTION MANUFACTURING SYSTEM AND METHOD
Inventor: McKay
Docket No.: NOR1162-026 (New Docket No.: 611920-1)

Dear Sir or Madam:

This letter is in response to the Notice of Incomplete Reply mailed on August 5, 2004 for the above-captioned matter. In response to this reply, I enclose a copy of the Fee Transmittal included in the initial reply mailed July 7, 2004. Please note that in the box for "Method of Payment" authorization was given to "charge any deficiency in fees" to the Deposit Account 19-4076. This authorization was given by Eric M. Gayan, Reg. No. 46,103. Therefore any deficiency in fees for this application were to have been charged at that time to that deposit account.

HOWEVER, please do not charge these fees to this deposit account now, since I am no longer with the same firm and cannot authorize payment from that account. Instead, I have enclosed a check in the amount of \$36.00 to cover the excess claim fees for this application. I have not included a check for an extension of time in this matter, because I do not feel an extension of time is warranted since the Commissioner had permission to charge these fees to the named deposit account by an authorized person on the date the initial response was filed and had that been done an extension of time would not be needed.

Should you disagree with my determination regarding the extension of time fee, please contact me at 614-462-1055 so we can resolve this matter. Otherwise, I feel that we have complied in a timely manner with all requirements for this application and this application should now be forwarded to the Group Art Unit for examination.

Very truly yours,


Roger A. Gilcrest

RAG/slb

Enclosures (check and postcard filing receipt)

[H0460040.1]

Certificate of Mailing:

I hereby certify that this response is being deposited with the U.S. Postal Service by regular mail with sufficient postage in an envelope addressed to

250 West Street, Columbus, Ohio 43215-2538 | P.O. Box 165020, Columbus, Ohio 43216-5020 | Voice: 614-462-2700 | Fax: 614-462-5135

Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2004. *Shen & Burke*

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